

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

C.R. BARD, INC and BARD)	
PERIPHERAL VASCULAR, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 21-349 (CFC)
)	
ANGIODYNAMICS, INC.,)	
)	
Defendant.)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Section 15 of the Scheduling Order (D.I. 41), the parties respectfully submit the attached Joint Claim Construction Chart, which sets forth the claim construction positions of the parties regarding U.S. Patent Nos. 8,025,639 (“the ’639 patent”), 9,603,992 (“the ’992 patent”), and 9,603,993 (“the ’993 patent”) (collectively, the “Asserted Patents”). The parties dispute the construction of ten terms across the Asserted Patents.

The parties agree that any terms in the asserted claims of the Asserted Patents that do not appear in the Joint Claim Construction Chart below should be given their respective plain and ordinary meanings as understood by a person of ordinary skill in the art, in light of the specification of the patent in which they appear, and thus do not require construction by the Court.

With respect to the terms identified in the Joint Claim Construction Chart, the parties intend to rely on the Asserted Patents, the specifications of the Asserted Patents, the claims of the Asserted Patents, the file histories of the Asserted Patents, and patents, applications, and file histories of patents to which the Asserted Patents claim priority or which claim priority to the Asserted Patents to support their proposed constructions.¹ Any citation to intrinsic evidence provided by the parties in support of their proposed claim constructions is intended as exemplary. Any additional evidence or reference within or encompassed by a particular citation is deemed incorporated by reference (e.g., cited passages are intended to include all figures and tables referenced therein). The parties reserve the right to rely on additional intrinsic evidence to the extent it is necessary to provide additional context or to rebut arguments made by other parties during the claim construction briefing. The parties further reserve the right to rely on any intrinsic evidence identified by any other party. The parties reserve the right to update and/or supplement their proposed claim constructions with the Markman briefing in this case. The parties also reserve the right to rely on extrinsic evidence in support of their proposed constructions or to rebut arguments submitted by any other party.

¹ In addition to the prosecution before the PTO, file histories include, but are not limited to, any proceedings brought before the PTO, PTAB, and/or any predecessor courts, such as, reexaminations, interferences, inter partes reviews, and other post-grant proceedings.

Copies of the '639, '992 and '993 patents are attached hereto as Exhibits A, B and C, respectively.

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July 14, 2023

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***C.R. Bard, Inc. v. AngioDynamics, Inc.*, C.A. No. 21-349-CFC**
Joint Claim Construction Chart

CLAIM TERMS AGREED UPON		
Term	Claim(s)	Agreed Upon Construction
“radiopaque”	’992 claims 1, 5, 7 ’993 claims 1, 2, 4, 7, 8, 9, 10	visible on X-ray

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs’ Proposed Construction	Plaintiffs’ Intrinsic Evidence	Defendants’ Proposed Construction	Defendants’ Intrinsic Evidence²
1	“[access port assembly] suitable for power injection”	’992 patent claims 1, 7	[access port assembly] designed to be injected and	’992 patent at 1:23-48; 2:24-31,	[An access port] capable of being injected and pressurized by	’639 Patent: 12:51-64; 3:29-3518:24-27; 25:25-41; 4:40-45; 9:48-61; 11:42-67; and 12:1-16.

² Bard objects to AngioDynamics’ characterization of the ’639 patent and ’639 file history as intrinsic evidence because none of the terms being construed are from the ’639 patent, which does not share a common specification with the ’992 and ’993 patent and to which the ’992 and ’993 patents do not claim priority.

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
		'993 patent claims 1, 10	pressurized by mechanical assistance at high flow rates	3:39-4:27; 11:41-12:10; '993 patent at Abstract, 2:66-3:54; 11:44-50; 13:47-51; '518 App [0034], Appendix to Specification. App. No. 95/002,089 ['302 reexamination],	mechanical assistance (where pressurization by mechanical assistance does not include injection by hand, for example via a syringe including a needle) A port suitable for power injection is one possessing this capability, whether or not this capability was known or disclosed to the FDA or anyone else	'992 Patent: 3:39-4:4. '993 Patent: 3:20-31. '639 FH: 9/28/2010 Office Action, pp. 2-3, 7; and 3/7/2011 Notice of Allowance, pp. 2. '992 FH: 2/20/2015 Office Action, pp. 3; and 1/10/2017 Office Action, pp. 8. '993 FH: 2/20/2015 Office Action, pp. 3; and 1/9/2017 Office Action, pp. 8. '302 Patent: 3:25-

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				including inter alia, 2/7/13 Response, 8/12/13 Response, 1/3/14 Brief, 8/29/14 Brief, 6/18/15 hearing transcript, 3/11/16 decision, C.R. Bard, Inc. v. AngioDynamics, Inc., C.A. Nos.		59; cls. 1, 5, 8, and 10. '302 Reexam: November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; <i>Inter Partes</i> Reexamination of U.S. Pat. No. 7,785,302, Reexamination Control No. 95/002,089, Feb. 7, 2013 Response to Official Action; June 12, 2013 Action Closing Prosecution; August 29, 2014 Rebuttal Brief – Owner; March 11, 2016 Patent Board

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				2017-1851, 2017-1865, 2017-1906, 2017-1931, 2017-194, Sept. 28, 2018; 1/28/2019 decision.		Decision – Examiner Affirmed in Part; and June 18, 2015 Hearing. '302 File History: October 7, 2009 Request for Transfer and Interview; Suggestion of an Interference, App. No. 11/368,954, October 28, 2009; Eliassen Declaration, App. No. 11/368,954, October 28, 2009; Applicant Argument/Remarks Made in Amendment, App. No. 11/368,954, Oct. 28, 2009; January 27, 2010

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>Final Rejection; May 11, 2010 Examiner Interview Summary; June 2, 2010 Applicant Arguments and Remarks Made in an Amendment after Final Office Action; Information Disclosure Statement, Foreign Reference WO 2006/096686, App. No. 11/368,954, June 2, 2010; and June 24, 2010 Notice of Allowance.</p> <p>'022 Patent: 2:65- 3:30; and cls. 1, 10, 16.</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>'022 File History: Information Disclosure Statement, Foreign Reference WO 2006/096686, App. No. 12/420,028, January 4, 2010; January 5, 2011 Office Action; March 10, 2011 Applicant Arguments and Remarks Made in an Amendment; March 23, 2011 Examiner Interview Summary; and April 1, 2011 Notice of Allowance.</p> <p>'615 Patent: 3:29-61; and cls. 1, 8, 10-11.</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>'615 Reexam: Feb. 13, 2013 Response to Official Action; Patent Owner's Feb. 14, 2014 Appeal Brief Under 35 U.S.C. § 134, 37 C.F.R. § 1.959 and 37 C.F.R. § 41.67.</p> <p>'615 File History: Information Disclosure Statement, Foreign Reference WO 2006/096686, App. No. 12/023,280, January 4, 2010.</p> <p>IPRs: Bard's Preliminary Response brief in the '022 Patent</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						Atrium IPR proceedings, pp. 43-44; Decision Denying Institution of IPR in the '022 Patent Atrium IPR at p. 3; Bard's Preliminary Response in the '302 Patent Atrium IPR Proceedings, pp. 44-46; and Decision Denying Institution of IPR in the '302 Patent Atrium IPR at 3; and Decision Denying Institution of IPR in the '615 Patent Atrium IPR at 5.
2	"Power injectable access port"	'993 claims 1-10	Access port designed to be injected and	'993 patent at Abstract,	An access port capable of being injected and	'639 Patent: 12:51-64; 3:29-3518:24-27; 25:25-41; 4:40-45; 9:48-61;

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
			pressurized by mechanical assistance at high flow rates	2:66-3:54; 11:44-50; 13:47-51; '518 App [0034], Appendix to Specification. App. No. 95/002,089 ['302 reexamination], including inter alia, 2/7/13 Response, 8/12/13 Response,	pressurized by mechanical assistance (where pressurization by mechanical assistance does not include injection by hand, for example via a syringe including a needle) A power-injectable port is one possessing this capability, whether or not this capability was known or disclosed to the FDA or anyone else	11:42-67; and 12:1-16. '992 Patent: 3:39-4:4. '993 Patent: 3:20-31. '639 FH: 9/28/2010 Office Action, pp. 2-3, 7; and 3/7/2011 Notice of Allowance, pp. 2. '992 FH: 2/20/2015 Office Action, pp. 3; and 1/10/2017 Office Action, pp. 8. '993 FH: 2/20/2015 Office Action, pp. 3; and 1/9/2017 Office

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				1/3/14 Brief, 8/29/14 Brief, 6/18/15 hearing transcript, 3/11/16 decision, C.R. Bard, Inc. v. AngioDynamics, Inc., C.A. Nos. 2017-1851, 2017-1865, 2017-1906, 2017-1931,		Action, pp. 8. '302 Patent: 3:25-59; cls. 1, 5, 8, and 10. '302 Reexam: November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; <i>Inter Partes</i> Reexamination of U.S. Pat. No. 7,785,302, Reexamination Control No. 95/002,089, Feb. 7, 2013 Response to Official Action; June 12, 2013 Action Closing Prosecution; August 29, 2014 Rebuttal Brief –

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				2017-194, Sept. 28, 2018; 1/28/2019 decision		Owner; March 11, 2016 Patent Board Decision – Examiner Affirmed in Part; and June 18, 2015 Hearing. '302 File History: October 7, 2009 Request for Transfer and Interview; Suggestion of an Interference, App. No. 11/368,954, October 28, 2009; Eliassen Declaration, App. No. 11/368,954, October 28, 2009; Applicant Argument/Remarks Made in Amendment, App. No. 11/368,954,

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>Oct. 28, 2009; January 27, 2010 Final Rejection; May 11, 2010 Examiner Interview Summary; June 2, 2010 Applicant Arguments and Remarks Made in an Amendment after Final Office Action; Information Disclosure Statement, Foreign Reference WO 2006/096686, App. No. 11/368,954, June 2, 2010; and June 24, 2010 Notice of Allowance.</p> <p>'022 Patent: 2:65-3:30; and cls. 1,</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>10, 16.</p> <p>'022 File History: Information Disclosure Statement, Foreign Reference WO 2006/096686, App. No. 12/420,028, January 4, 2010; January 5, 2011 Office Action; March 10, 2011 Applicant Arguments and Remarks Made in an Amendment; March 23, 2011 Examiner Interview Summary; and April 1, 2011 Notice of Allowance.</p> <p>'615 Patent: 3:29-</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>61; and cls. 1, 8, 10-11.</p> <p>'615 Reexam: Feb. 13, 2013 Response to Official Action; Patent Owner's Feb. 14, 2014 Appeal Brief Under 35 U.S.C. § 134, 37 C.F.R. § 1.959 and 37 C.F.R. § 41.67.</p> <p>'615 File History: Information Disclosure Statement, Foreign Reference WO 2006/096686, App. No. 12/023,280, January 4, 2010.</p> <p>IPRs: Bard's Preliminary</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						Response brief in the '022 Patent Atrium IPR proceedings, pp. 43-44; Decision Denying Institution of IPR in the '022 Patent Atrium IPR at p. 3; Bard's Preliminary Response in the '302 Patent Atrium IPR Proceedings, pp. 44-46; and Decision Denying Institution of IPR in the '302 Patent Atrium IPR at 3; and Decision Denying Institution of IPR in the '615 Patent Atrium IPR at 5.

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
3	“Radiopaque alphanumeric message” / “alphanumeric message”	’992 patent claims 1, 3. ’993 patent claims 2, 4	Message containing letters and/or numbers that is visible on X-ray / Message containing letters and/or numbers Not printed matter; printed matter doctrine does not apply	’992 patent at 3:20-35, 4:28-37, 11:41-12:28, Figs. 52A-B; ’993 patent at 3:20-31; 11:24-12:2; 13:47-14:34; Figs. 52-63. ’518 App., Abstract, [0037], [0069]-[0070],	Printed matter not entitled to patentable weight; otherwise indefinite	’992 Patent: 4:9-27; 11:59-61; Figs. 52A, 52B. ’993 Patent: 11:44-50; Figs. 52; 53B; 54A; 54B; 54C; 55; 57B; 57C; 58B; 58C; 59B; 60A; 60B; 61A; and 61B. ’992 FH: 2/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7. ’993 FH: 12/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7.

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				<p>claim 12, Appendix to Specification.</p> <p>App. No. 95/002,089 ['302 reexam], including, inter alia, 2/7/13 Response, 8/12/13 Response, 1/3/14 Brief, 8/29/14 Brief, 6/18/15 hearing transcript</p>		<p>'302 Patent: 3:17-19; 3:60-4:14; 11:55-61; cls. 1, 4, 5, 6, 8-10; and Figs. 52A-52B.</p> <p>'302 File History: Preliminary Amendment, Dec. 19, 2007; Second Preliminary Amendment, July 10, 2009; October 28, 2009 Amendment and Request for Reconsideration After Non-Final Rejection, Applicant Arguments Made in an Amendment; Suggestion of an Interference, App. No. 11/368,954, October 28, 2009;</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>Eliasen Declaration, App. No. 11/368,954, October 28, 2009; and June 24, 2012 Notice of Allowance.</p> <p>'302 Reexam: November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; <i>Inter Partes</i> Reexamination of U.S. Pat. No. 7,785,302, Reexamination Control No. 95/002,089, Feb. 7, 2013 Response to Official Action; June 12, 2013 Action Closing</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>Prosecution; August 29, 2014 Rebuttal Brief – Owner; and March 11, 2016 Patent Board Decision – Examiner Affirmed in Part.</p> <p>'022 Patent: Abstract; 3:31- 52; 11:11-12:34; 13:28-44; cls. 1, 4, 10, 11, 16-20; Figs. 52, 53B, 54A, 54B, 54C, 57B, 57C, 58B, 58C, 59B, 61A, and 61B.</p> <p>'022 File History: Examiner Interview dated March 8, 2011 (mailed March 23, 2011); April 1,</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>2011 Notice of Allowance.</p> <p>'615 File History: July 23, 2009 Office Action; January 8, 2010 Amendment and Request for Reconsideration After Non-Final Rejection.</p> <p>'518 Provisional Application: Appendix.</p>
4	<p>Power injection information:</p> <p>“indicating that the venous access port assembly is suitable for power injection”</p>	<p>'992 patent claims 1, 7</p> <p>'993 patent claims 1, 10</p>	Printed matter doctrine does not apply	'992 patent at 2:16-39, 3:50-4:37, 11:41-12:10, Figs. 52A-B;	Printed matter not entitled to patentable weight	<p>'992 Patent: 4:9-34; Figs. 52A, 52B.</p> <p>'993 Patent: 11:44-50; Figs. 52; 53B; 54A; 54B; 54C; 55; 57B; 57C; 58B; 58C; 59B;</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
	<p>“to indicate that the venous access port assembly is suitable for power injection”</p> <p>“conveys to an observer using the imaging technology that the power-injectable access port is suitable for power injection”</p> <p>“to indicate that the power-injectable access port is suitable for power injection”</p>			<p>'993 patent at 2:66-3:54, 10:63-14:51; Figs. 52-63.</p> <p>'518 App, Abstract, [0034]-[0037], [0039], [0051]-[0052], [0054], [0056], [0067], [0070], Claims 1, 11-12 Figs. 1, 7, 9, 20, Appendix</p>		<p>60A; 60B; 61A; and 61B.</p> <p>'992 FH: 2/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7.</p> <p>'993 FH: 12/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7.</p> <p>'302 Patent: Abstract; 1:66-2:5; 3:17-19; 3:60—4:14; 11:41—12:8; cls. 1, 4, 5, 6, 8-10; and Figs. 52A-52B.</p> <p>'302 File History:</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				to Specification. App. No. 95/002,089 ['302 reexamination], including, inter alia, 2/7/13 Response, 8/12/13 Response, 1/3/14 Brief, 8/29/14 Brief, 6/18/15 hearing transcript,		October 28, 2009 Amendment and Request for Reconsideration After Non-Final Rejection, Applicant Arguments Made in an Amendment; October 28, 2009 Suggestion of an Interference; and October 28, 2009 Eliassen Declaration. '302 Reexam: November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; June 12, 2013 Action Closing Prosecution; and

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				<p>C.R. Bard, Inc. v. AngioDynamics, Inc., C.A. Nos. 2017-1851, 2017-1865, 2017-1906, 2017-1931, 2017-194, Sept. 28, 2018</p>		<p>March 11, 2016 Patent Board Decision – Examiner Affirmed in Part.</p> <p>'302 Interference: Powers' Annotated Claims, Paper No. 14, Interference No. 105,860, December 8, 2011.</p> <p>'022 Patent: Abstract; 3:31-52; 11:11-12:18; 12:22-34; 13:28-44; cls. 1, 6-10, 16, 18-20; and Figs. 52, 53B, 54A, 54B, 54C, 57B, 57C, 58B, 58C, 59B, 61A, 61B.</p> <p>'022 File History: January 5, 2011</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>Office Action; March 10, 2011 Applicant Arguments and Remarks Made in an Amendment; March 23, 2011 Examiner Interview Summary; April 1, 2011 Notice of Allowance.</p> <p>'615 Patent: Abstract; 3:62- 4:16; 11:20-54; and cl. 8.</p> <p>'615 File History: July 23, 2009 Office Action; January 8, 2010 Amendment and Request for Reconsideration</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						After Non-Final Rejection.
5	"letters"	'992 patent claims 4, 6-7 '993 patent claims 5, 7, 9-10	Not printed matter; printed matter doctrine does not apply	'992 patent at 3:31-35, 11:41-12:10, Figs. 52A-B; '993 patent at 3:20-31; 11:24-12:2, 13:47-14:34; Figs. 52-63. '518 App., e.g., Appendix to	Printed matter not entitled to patentable weight	'992 Patent: 4:9-27; 11:59-61; and Figs. 52A, 52B. '993 Patent: 11:44-50; and Figs. 52; 53B; 54A; 54B; 54C; 55; 57B; 57C; 58B; 58C; 59B; 60A; 60B; 61A; and 61B. '992 FH: 2/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7. '993 FH: 12/20/2015 Final Rejection, pp. 3; and 10/18/2016

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				Specification.		Office Action, pp. 6-7. '302 Patent: 3:17-19; 3:60-4:14; 11:55-61; cls. 1, 4, 5, 6, 8-10; and Figs. 52A-52B. '302 File History: Preliminary Amendment, Dec. 19, 2007; Second Preliminary Amendment, July 10, 2009; October 28, 2009 Amendment and Request for Reconsideration After Non-Final Rejection, Applicant Arguments Made in an Amendment; Suggestion of an Interference, App.

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>No. 11/368,954, October 28, 2009; Eliassen Declaration, App. No. 11/368,954, October 28, 2009; and June 24, 2012 Notice of Allowance.</p> <p>'302 Reexam: November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; <i>Inter Partes</i> Reexamination of U.S. Pat. No. 7,785,302, Reexamination Control No. 95/002,089, Feb. 7, 2013 Response to Official Action;</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>June 12, 2013 Action Closing Prosecution; August 29, 2014 Rebuttal Brief – Owner; and March 11, 2016 Patent Board Decision – Examiner Affirmed in Part.</p> <p>'022 Patent: Abstract; 3:31- 52; 11:11-12:34; 13:28-44; cls. 1, 4, 10, 11, 16-20; Figs. 52, 53B, 54A, 54B, 54C, 57B, 57C, 58B, 58C, 59B, 61A, and 61B.</p> <p>'022 File History: Examiner Interview dated March 8, 2011</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>(mailed March 23, 2011); April 1, 2011 Notice of Allowance.</p> <p>'615 File History: July 23, 2009 Office Action; January 8, 2010 Amendment and Request for Reconsideration After Non-Final Rejection.</p> <p>'518 Provisional Application: Appendix.</p>
6	"wherein the radiopaque alphanumeric message includes an abbreviation for	<p>'992 patent claims 3-7</p> <p>'993 patent claims 2, 4-5, 7, 9-10</p>	Not printed matter; printed matter doctrine does not apply	'992 patent at 3:31-35, 3:60-4:4; 11:41-12:10;	Printed matter not entitled to patentable weight	<p>'992 Patent: 3:60-62; 4:9-27; 11:51-12:2; Figs 52A, 52B.</p> <p>'993 Patent: 11:44-50; and Figs. 52;</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
	<p>computed tomography”</p> <p>“wherein the abbreviation for computed tomography includes letters ‘C’ and ‘T’”</p> <p>“wherein the radiopaque identifier includes an abbreviation for computed tomography”</p> <p>“wherein the abbreviation includes letters ‘C’ and ‘T’”</p>			<p>Figs. 52A-B;</p> <p>’993 patent at 3:20-31; 11:24-12:2; 13:47-14:34; Figs. 52-63.</p> <p>’518 App., [0034], [0037], [0069], [0070], Appendix to Specification.</p>		<p>53B; 54A; 54B; 54C; 55; 57B; 57C; 58B; 58C; 59B; 60A; 60B; 61A; and 61B.</p> <p>’992 FH: 2/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7.</p> <p>’993 FH: 12/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7.</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
	<p>“wherein the radiopaque identification feature comprises an alphanumeric message”</p> <p>“wherein the radiopaque identification feature is an alphanumeric message including an abbreviation for computed tomography”</p> <p>“wherein the radiopaque identification</p>					

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
	<p>feature includes letters 'CT'”</p> <p>“wherein the radiopaque identification feature includes letters 'C' and 'T'”</p> <p>“a radiopaque identifier including letters 'CT'”</p>					
7	“one or more symbols, one or more patterns, one or more characters, one or more designs, and combinations thereof”	'993 patent claim 8	Not printed matter; printed matter doctrine does not apply	'993 patent at 3:20-31; 11:24-50; 13:47-14:33; Figs. 52-63.	Printed matter not entitled to patentable weight	<p>'992 Patent: 4:9-27.</p> <p>'993 Patent: 11:37-50; Figs. 60A and 60B.</p> <p>'992 FH: 2/20/2015 Final Rejection, pp. 3;</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				<p>'518 App., e.g., Appendix to Specification.</p> <p>App. No. 95/002,090 ['022 reexamination], including, inter alia, C.R. Bard, Inc. v. AngioDynamics, Inc., C.A. Nos. 2017-1851,</p>		<p>and 10/18/2016 Office Action, pp. 6-7.</p> <p>'993 FH: 12/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7.</p> <p>'302 File History: October 28, 2009 Amendment and Request for Reconsideration After Non- Final Rejection, Applicant Arguments Made in an Amendment; October 28, 2009 Suggestion of an Interference; and October 28, 2009 Eliasen</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				2017-1865, 2017-1906, 2017-1931, 2017-194, Sept. 28, 2018		<p>Declaration.</p> <p>'302 Reexam: November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; June 12, 2013 Action Closing Prosecution; and March 11, 2016 Patent Board Decision – Examiner Affirmed in Part.</p> <p>'022 Patent: 3:31-52; 11:11-36; 12:29-34; 13:28-55; 14:6-13; cls. 1,6; and Figs. 60A-61B.</p> <p>'022 File History:</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>January 5, 2011 Office Action; March 10, 2011 Applicant Arguments and Remarks Made in an Amendment; March 23, 2011 Examiner Interview Summary; April 1, 2011 Notice of Allowance.</p> <p>'615 File History: July 23, 2009 Office Action; January 8, 2010 Amendment and Request for Reconsideration After Non-Final Rejection.</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
8	"Radiopaque identifier" / "identifier"	'992 patent claims 5, 7 '993 claim 10	Distinguishing feature that is visible on X-ray	'992 patent at 3:31-35, 4:28-37, 11:41-12:28, Figs. 52A-B; '993 patent at 3:20-31; 3:55-64; 4:33-34; 6:52-63; 10:63-11:23; 11:24-12:34; 12:52-13:46; 13:64-14:8; 14:9-	"identifier" is printed matter not entitled to patentable weight; otherwise indefinite	'992 Patent: 4:9-27; Figs. 52A; 52B. '993 Patent: 11:44-50; Figs. 52; 53B; 54A; 54B; 54C; 55; 57B; 57C; 58B; 58C; 59B; 60A; 60B; 61A; and 61B. '992 FH: 2/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7. '993 FH: 12/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7.

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				34; Figs. 52-63; '518 App, Abstract, [0037], [0069]-[0070], claim 12, Appendix to Specification.		'302 Patent: Abstract; 1:66-2:2; 3:60-4:24; 5:64-6:47; 6:64-8:16; 9:9-10:18; and 11:15-12:8. '302 File History: Information Disclosure Form, Foreign Reference WO 02/47549, App. No. 11/368,954, April 21, 2009; Information Disclosure Form, Foreign Reference WO 2008/157763, App. No. 11/368,954, October 23, 2009; October 28, 2009 Amendment and Request for Reconsideration

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>After Non-Final Rejection, Applicant Arguments Made in an Amendment; October 28, 2009 Suggestion of an Interference; and October 28, 2009 Eliassen Declaration.</p> <p>'302 Reexam: November 7 2012 Non-Final Action; November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; <i>Inter Partes</i> Reexamination of U.S. Pat. No. 7,785,302, Reexamination</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>Control No. 95/002,089, Feb. 7, 2013 Response to Official Action; June 12, 2013 Action Closing Prosecution; August 29, 2014 Rebuttal Brief – Owner; and March 11, 2016 Patent Board Decision – Examiner Affirmed in Part.</p> <p>'302 Interference: Powers' Annotated Claims, Paper No. 14, Interference No. 105,860, December 8, 2011.</p> <p>'022 Patent: Abstract; 3:31-62; 7:13-17; 10:52-14:13; and cls. 1,</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>3-8, 10, 16-20.</p> <p>'022 File History: January 5, 2011 Office Action; March 10, 2011 Applicant Arguments and Remarks Made in an Amendment; Examiner Interview dated March 8, 2011 (mailed March 23, 2011); April 1, 2011 Notice of Allowance.</p> <p>'615 File History: July 23, 2009 Office Action; January 8, 2010 Amendment and Request for Reconsideration</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						After Non-Final Rejection.
9	“Radiopaque identification feature” / “identification feature”	'993 patent claims 1-2, 4, 7-9	Characteristic that distinguishes the port that is visible on X-ray Not printed matter; printed matter doctrine does not apply	'993 patent at 3:20-64; 4:33-34; 6:52-63; 10:63-11:23; 11:24-12:34; 12:52-13:46; 13:64-14:8; 14:9-34; Figs. 52-63; '518 App, Abstract, [0037], [0069]-[0070], claim 12,	Printed matter not entitled to patentable weight; otherwise indefinite	'992 Patent: 4:9-27; Figs. 52A; 52B. '993 Patent: 11:44-50; Figs. 52; 53B; 54A; 54B; 54C; 55; 57B; 57C; 58B; 58C; 59B; 60A; 60B; 61A; and 61B. '992 FH: 2/20/2015 Final Rejection, pp. 3; and 10/18/2016 Office Action, pp. 6-7. '993 FH: 12/20/2015 Final Rejection, pp. 3; and 10/18/2016

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				<p>Appendix to Specification.</p> <p>App. No. 95/002,090 ('022 Reexamination), including, inter alia, 2/7/13 Response, 8/12/13 Response, 1/17/14 Brief, 8/29/14 Brief, 6/18/15 hearing transcript,</p>		<p>Office Action, pp. 6-7.</p> <p>'302 Patent: Abstract; 1:66-2:2; 3:60-4:24; 5:64-6:47; 6:64-8:16; 9:9-10:18; and 11:15-12:8.</p> <p>'302 File History: Information Disclosure Form, Foreign Reference WO 02/47549, App. No. 11/368,954, April 21, 2009; Information Disclosure Form, Foreign Reference WO 2008/157763, App. No. 11/368,954, October 23, 2009; October 28,</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
				C.R. Bard, Inc. v. AngioDynamics, Inc., C.A. Nos. 2017-1851, 2017-1865, 2017-1906, 2017-1931, 2017-194, Sept. 28, 2018		2009 Amendment and Request for Reconsideration After Non-Final Rejection, Applicant Arguments Made in an Amendment; October 28, 2009 Suggestion of an Interference; and October 28, 2009 Eliassen Declaration. '302 Reexam: November 7 2012 Non-Final Action; November 7, 2012 Order Granting Request for <i>Inter Partes</i> Reexamination and Non-Final Action; <i>Inter Partes</i> Reexamination of

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>U.S. Pat. No. 7,785,302, Reexamination Control No. 95/002,089, Feb. 7, 2013 Response to Official Action; June 12, 2013 Action Closing Prosecution; August 29, 2014 Rebuttal Brief – Owner; and March 11, 2016 Patent Board Decision – Examiner Affirmed in Part.</p> <p>'302 Interference: Powers' Annotated Claims, Paper No. 14, Interference No. 105,860, December 8, 2011.</p> <p>'022 Patent:</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						<p>Abstract; 3:31-62; 7:13-17; 10:52-14:13; and cls. 1, 3-8, 10, 16-20.</p> <p>'022 File History: January 5, 2011 Office Action; March 10, 2011 Applicant Arguments and Remarks Made in an Amendment; Examiner Interview dated March 8, 2011 (mailed March 23, 2011); April 1, 2011 Notice of Allowance.</p> <p>'615 File History: July 23, 2009 Office Action; January 8, 2010</p>

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ²
						Amendment and Request for Reconsideration After Non-Final Rejection.
10	"etched into the metal"	'992 patent claims 1, 7 '993 patent claims 1, 10	drawn or written into the metal by cutting or scraping	'992 patent at 11:41-12:10, Figs. 52A-B; '993 patent at 12:35-51, Figs. 52-63; '518 App, Appendix to Specification.	Plain and ordinary meaning In the alternative, "produced by eating into the metal's surface by acid or laser beam"	'992 Patent: 11:57-61. '993 Patent: 11:51-12:9; and 12:35-51; Figs. 56A; 56B. '993 FH: 01/09/2017 Final Rejection, pp. 7; 01/19/2017 Response After Final Action, pp. 2; 01/19/2017 Applicant Arguments/Remarks Made in an Amendment at pp. 5; 02/08/2017

CLAIM TERMS AT ISSUE						
	Term	Claim(s)	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Intrinsic Evidence²
						Notice of Allowance and Fees Due, pp. 6.